

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ALLIANCE FOR AUTOMOTIVE
INNOVATION,

Plaintiff,

vs.

MAURA HEALEY, ATTORNEY GENERAL
OF THE COMMONWEALTH OF
MASSACHUSETTS in her official capacity,

Defendant.

C.A. No. 1:20-cv-12090-DPW

STATUS REPORT OF ATTORNEY GENERAL MAURA HEALEY

Defendant Maura Healey, Attorney General of the Commonwealth of Massachusetts, hereby submits this Status Report regarding the discovery issues raised at the Court's October 28, 2021 hearing in this matter.

The Alliance for Automotive Innovation ("the Alliance") and the Attorney General have had productive discussions regarding the scope of additional discovery necessary in light of both the Subaru-related issues raised in the Attorney General's Motion to Reopen Trial Evidence and the additional information requested of the Alliance at the October 28 hearing concerning "what various association members are going to do" with respect to telematics systems in their respective Model Year 2022 vehicles. ECF #254 at 8:8-13.

Subaru-Related Issues

The Attorney General and the Alliance are working toward a stipulation of additional facts that would address the Subaru-related issues that were raised and discussed. The parties currently anticipate that such stipulation, if one satisfactory to both parties can be reached, could be submitted to the Court by November 16, 2021. In the event that a stipulation satisfactory to both

parties cannot be reached, the Attorney General proposes to conduct discovery pursuant to the following plan:

1. Serve her “Fourth Set of Requests for Production to Plaintiff Alliance for Automotive Innovation,” a draft copy of which is attached hereto as Exhibit 1, upon the Alliance no later than November 16, 2021. Please note that the Fourth Set of Document Requests seeks production of all responsive documents within thirty days (i.e., by December 16, 2021);
2. Notice depositions of Subaru of America Inc. and/or Subaru of New England, Inc. to occur during the weeks of January 3 or January 10, 2022. Draft copies of proposed deposition notices to Subaru of America Inc. and Subaru of New England Inc., including topics for examination, are attached hereto as Exhibits 2 and 3 respectively.

Information Requested of The Alliance

With regard to additional information requested from the Alliance, the Attorney General proposes to serve her “Third Set of Interrogatories to Plaintiff Alliance for Automotive Innovation,” a draft copy of which is attached hereto as Exhibit 4, upon the Alliance no later than November 9, 2021, unless directed otherwise by the Court. The Alliance has stated that it will respond to those interrogatories within fifteen days of service.

Additional Items

Additionally, the Attorney General respectfully requests that the Court permit the parties to submit supplemental briefs and a status report within ten days of completion of supplemental discovery on these issues stating the parties’ positions on these issues.

As noted in her previous filing, the Attorney General is also willing to extend her stipulation concerning her enforcement of the Data Access Law to accommodate additional discovery authorized by the Court.

Respectfully submitted,

ATTORNEY GENERAL
MAURA HEALEY,

By her attorneys,

/s/ Phoebe Fischer-Groban
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CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on November 3, 2021.

/s/ Phoebe Fischer-Groban
Phoebe Fischer-Groban
Assistant Attorney General